

Application No.: 09/993,937

Docket No.: 13220/013001; P5848

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-11 and 13 are currently pending in this application. Claims 1, 6, and 13 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 6.

Information Disclosure Statement

Applicant respectfully requests the Examiner to initial next to the entry labeled "Combined Search and Examination Report; July 17, 2003" under the heading "OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS" in the PTO-1449 Form received by the USPTO on August 28, 2003.

Rejections under 35 U.S.C. § 103

Claims 1 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over "The LDUP Replication Update Protocol" ("Stokes"), U.S. Publication No. 2002/0035559 ("Crowe") and U.S. Patent No. 6,074,434 ("Cole"). The independent claims have been amended to clarify the present invention (discussed below). Support for these amendments may be found, for example, in paragraphs [0028] and [0032] of the instant specification. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The claimed invention relates to updating entries in a directory information tree for each server in order to synchronize the directory information trees between two servers (*i.e.*, a consumer server and a supplier server). Specifically, the claimed invention is directed towards

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updating directory entries in directory servers, where entries correspond to textual and/or numerical information (i.e., names, addresses, phone numbers, etc.) (See Specification, paragraph [0004]). Thus, the amended claims require, in part, that the replica update vector comprise a minimal set of entries to synchronize the directory information trees in the servers.

Turning to the rejection, to establish a *prima facie* case of obviousness "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." (See MPEP §2143.03). Further, "all words in a claim must be considered in judging the patentability of that claim against the prior art." (See MPEP §2143.03). The Applicant respectfully asserts that the references, when combined, fail to teach or suggest all the claim limitations of amended independent claim 1.

Specifically, the Examiner has admitted that Stokes fails to teach the use of pluggable services, performing comparisons, and the determining of a minimal set of entries. (See Office Action mailed June 17, 2005, p. 3). Further, the Examiner admits that Crowe fails to teach performing comparisons and determining a minimal set of entries as recited in the claims. (See Office Action mailed June 17, 2005, p. 4). However, the Examiner relies on Cole to teach performing comparisons and determining a minimal set of entries. The applicant respectfully disagrees with this assertion. In particular, Cole fails to teach or suggest a replica update vector comprises a minimal set of *entries* required to synchronize two servers.

Rather, Cole only discloses a minimal set of "*code updates* that are necessary for a client to ensure compatibility between programs within the client," without any mention of *directory server entries* necessary to synchronize two servers. (See, e.g., Cole, col. 6, ll. 61-67). In fact, Cole is completely silent with respect to determining a minimal set of entries required to synchronize directory information trees between two servers.

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In view of the above, it is clear that the amended independent claim 1 is patentable over Stokes, Crowe, and Cole, whether considered separately or in combination. Dependent claim 4 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes, Crowe, and Cole, and further in view of 6,272,536 ("van Hoff"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As an initial matter, Applicant notes that in all but one of the 103 rejections, various combinations of one or more of four references have been used in rejecting the claims of the present application. The purported reconstruction of the claimed invention by reliance on such a large number of references including, for example, a method for distributing software to many clients over a network (U.S. Patent No. 6,272,536) is not appropriate. It is abundantly clear that the Examiner, using the present application as a guide, has selected isolated features of the various relied-upon references to arrive at the limitations of the claimed invention. Use of the present application as a "road map" for selecting and combining prior art disclosures is wholly improper. See MPEP § 2143; *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132 (Fed. Cir. 1985) (stating that "[t]he invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time"); *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992) (stating that "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious... This court has previously stated that 'one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.'"); *In re Wesslau*, 353 F.2d 238 (C.C.P.A. 1965) (stating that "it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of

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it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art").

Further, as described above, Stokes, Crowe, and Cole fail to teach or suggest the limitations as recited in amended independent claim 1. Further, van Hoff fails to supply that which Stokes, Crowe, and Cole lack as evidenced by the fact that the Examiner is only relying on van Hoff to teach a directory information tree. (See Office Action mailed June 17, 2005, p. 5). However, van Hoff fails to teach or suggest a minimal set of entries to *synchronize* two directory information trees on separate servers as recited in the amended claims. In view of the above, it is clear that none of Stokes, Crowe, Cole, and van Hoff, whether considered separately or in combination, render amended independent claim 1 obvious. Dependent claim 2 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes, Crowe, Cole, and U.S. Patent No. 6,353,834 ("Wong"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Stokes, Crowe, and Cole fail to disclose the limitations of amended independent claim 1. Further, Wong fails to supply that which Stokes, Crowe, and Cole lack as evidenced by the fact that the Examiner has only relied upon Wong to teach a chained sequence number. (See Office Action mailed June 17, 2005, p. 6). In view of the above, it is clear that none of Stokes, Crowe, Cole, and Wong, whether considered separately or in combination, render amended independent claim 1 obvious. Dependent claim 3 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

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Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes, Crowe, Cole, and U.S. Patent No. 6,393,434 ("Huang"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Stokes, Crowe, and Cole fail to disclose the limitations of amended independent claim 1. Further, Huang fails to supply that which Stokes, Crowe, and Cole lack as evidenced by the fact that the Examiner has only relied upon Huang to teach an application programming interface. (See Office Action mailed June 17, 2005, p. 7). In view of the above, it is clear that none of Stokes, Crowe, Cole, and Huang, whether considered separately or in combination, render amended independent claim 1 obvious. Dependent claim 5 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 6, 7, 10, 12, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes, U.S. Patent No. 6,098,078 ("Gehani") and Cole. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Stokes and Cole fail to disclose the limitations of the amended claims. Further, Gehani fails to supply that which Stokes and Cole lack as evidenced by the fact that the Examiner only relied upon Gehani relates the general concept of using replica update vectors without teaching or suggesting a replica update vector that includes a minimal set of entries used to synchronize the directory information trees of two directory servers. (See Office Action mailed June 17, 2005, p. 9).

In view of the above, it is clear that none of Stokes, Gehani, and Cole, whether considered separately or in combination, render amended independent claims 6 and 13 obvious. Dependent claims 7, 10, and 11 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

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Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes, Gehani, Cole, and van Hoff. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Stokes, Gehani, Cole, and van Hoff disclose all the limitations of the amended independent claims. Particularly, none of Stokes, Gehani, Cole, and van Hoff discloses using a minimal set of entries to synchronize directory information trees on two separate servers. Thus, it is clear that none of Stokes, Gehani, Cole, and van Hoff, whether considered separately or in combination, render amended independent claim 6 obvious. Dependent claim 8 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes, Gehani, Cole, and Wong. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Stokes, Gehani, Cole, and Wong disclose all the limitations of amended independent claim 6. Particularly, none of Stokes, Gehani, Cole, and Wong discloses using a minimal set of entries to synchronize directory information trees for two separate directory servers. Thus, it is clear that none of Stokes, Gehani, Cole, and Wong, whether considered separately or in combination, render amended independent claim 6 obvious. Dependent claim 9 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes, Gehani, Cole, and Huang. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

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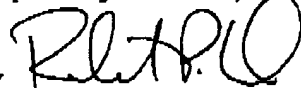
As described above, none of Stokes, Gehani, Cole, and Huang disclose all the limitations of amended independent claim 6. Particularly, none of Stokes, Gehani, Cole, and Huang discloses using a minimal set of entries to synchronize directory information tree for two separate directory servers. Thus, it is clear that none of Stokes, Gehani, Cole, and Huang, whether considered separately or in combination, render amended independent claim 6 obvious. Dependent claim 11 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 13220.013001).

Dated: September 16, 2005

Respectfully submitted,

By 

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Amendment Transmittal (1 page)

Amendment (11 pages)